

**Health and Community Services Committee**  
**Departmental Briefing on the Mental Health Bill 2014**  
**Thursday 11 December 2014**  
**Question on Notice**  
**No. 3**

**QUESTION:**

How many patients is it estimated will receive free legal representation at the Mental Health Review Tribunal, and what are the resource implications for this initiative?

**ANSWER:**

The Mental Health Bill 2014 (the Bill) requires the Mental Health Review Tribunal (the Tribunal) to appoint a lawyer to represent the person at a hearing at no cost to the person for the following hearings:

- If the person is a minor
- For a fitness for trial review
- For a review concerning the imposition of a monitoring condition on the forensic order to which the person is subject to, which requires them to wear a tracking device
- For an application for approval to perform electroconvulsive therapy on the person; and
- For hearings where the Attorney-General is to appear or be represented.

The Bill also includes the right for an adult with capacity to waive the right to be represented by a lawyer appointed by the Tribunal.

Using hearing data from 2013-14, it is estimated that there will be a total of 1650 hearings per annum where a legal representative may be appointed by the Tribunal.

This total includes the following hearing estimates:

- Reviews involving minors – 200 p.a.
- Fitness for trial reviews – 40 p.a.
- Monitoring condition reviews – 10 p.a.
- Forensic order reviews where the Attorney-General is represented – 900 p.a.
- Electroconvulsive therapy applications – 500 p.a.

Indicative costing for the no-cost legal representation to be provided expects an additional resource to the Tribunal of \$829,000 per annum (p.a.).

Costs are based on estimates provided by Legal Aid Queensland, at a unit rate cost of approximately \$521 per matter.

The cost of legal representation for forensic patients is expected to reduce in the second year of operation of the new legislation as forensic patient numbers reduce with revised Mental Health Court and Magistrate Court processes. Overall, costs for the Tribunal will be impacted by several factors, including revised hearing timeframes and the appointment of a Deputy President.